IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

DEBRA ANNE STONE,

Respondent,

v.

RANDY ALAN STONE,

Appellant.

DOCKET NUMBER WD77156

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: December 9, 2014

APPEAL FROM

The Circuit Court of Clay County, Missouri The Honorable David P. Chamberlain, Judge

JUDGES

Division II: Ellis, P.J., and Welsh and Pfeiffer, JJ.

CONCURRING.

ATTORNEYS

Michael J. Svetlic Kansas City, MO

Attorney for Respondent,

Steven D. Wolcott Liberty, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

DEBRA ANNE STONE,)	
	Respondent,)	
v.	1 /)	OPINION FILED: December 9, 2014
RANDY ALAN STONE,)	December 9, 2014
	A 33)	
	Appellant.)	

WD77156 Clay County

Before Division II Judges: Joseph M. Ellis, Presiding Judge, and James Edward Welsh and Mark D. Pfeiffer, Judges

Randy Alan Stone ("Husband") appeals the judgment of the Circuit Court of Clay County, Missouri, dissolving his marriage to Debra Anne Stone ("Wife") and dividing the parties' property. On appeal, Husband claims that the Circuit Court erred in: (1) determining that the home that Wife owned prior to the marriage was totally her non-marital property; (2) classifying two pieces of real property purchased during the marriage as marital property; and (3) failing to classify debt incurred during the marriage as marital debt.

AFFIRMED.

Division II holds:

Although Husband claims to have contributed both money and labor during the marriage to increase the value of Wife's pre-marital home, he produced no evidence at trial as to the value of the home at the time of the marriage or the increase in value of the home during the marriage. Husband had also signed a document disclaiming any interest in Wife's home. Accordingly, the court did not err in classifying the home as Mrs. Stone's non-marital property.

Substantial evidence also supports the court's classification of the property purchased during the marriage as marital property, even though Husband testified that he purchased the property with non-marital funds. The cashier's check that Husband produced showing the

down-payment for one of the properties stated that it was for the benefit of Husband and Wife, and Wife had signed both the note and the deed of trust for one of the properties.

Finally, the judgment was not in error in assigning any debt on marital assets. Husband's own statement of assets declared that no debt existed on the real property purchased during the marriage, and he submitted no bank documents evidencing current debt. And although Wife's statement of assets did declare a debt on the properties, it valued the properties at a higher amount, making the equity value submitted by both Husband and Wife approximately equal. The court valued the properties accordingly without regard as to whether any debt currently existed on the property. The court also did not err in refusing to award debt Husband claims was incurred in his purchase of a motorcycle that was classified as marital property. There was no debt on the motorcycle, and Husband produced no documents showing that he had incurred debt against his own non-marital assets to obtain the motorcycle.

Opinion by: Mark D. Pfeiffer, Judge

December 9, 2014

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